

No. 12994-4Lab-76/422.—In pursuance of the provisions of section 17 of Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and management of M/s R. N. Ghanekar and Co. Concrete Works (P) Ltd., Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Reference No. 110 of 1972

between

SHRI BUDH RAM WORKMAN AND THE MANAGEMENT OF M/S R. N. GHANEKAR  
AND CO. CONCRETE WORKS (P) LTD., FARIDABAD.

#### AWARD

By order No. ID/FD/72-11132-36, dated 31st March, 1972 of the Governor of Haryana, the following dispute between the management of M/s R. N. Ghanekar and Co. Concrete Works (P) Ltd., Faridabad and its workman Shri Budh Ram was referred to this Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of service/dismissal of Shri Budh Ram was justified and in order?  
If not, to what relief is he entitled?

The parties put in their appearance in this court in response to the usual notice of reference sent to them and filed their pleadings giving rise to the following issues framed,—vide my order, dated 19th December, 1975;—

1. Whether it was necessary for the workman to raise a demand directly on the management and for the later to reject it before the matter was taken to the Conciliation Officer, in order to constitute an Industrial Dispute?
2. If yes whether the workman has actually raised a demand on the management and the later rejected it before the matter was taken to the Conciliation Officer?
3. Whether the respondent closed their business for the last 3½ years ago? If yes to what effect?
4. Whether the respondents are not in Industry?
5. Whether the workman voluntarily abandoned his service and lost his lien on the job?
6. If not, whether the termination of his services is justified?
7. Whether the reference is bad in law?

Whereas the management examined one Shri G. K. Yagi their Accountant-cum-Manager as MW 1, the workman appeared as his own witness. The parties led no other evidence. I have heard learned authorised representatives for the parties with reference to the evidence led by them. I decide the issues as under:—

#### Issue No. 1—

For the reason stated by me in detail in my order, dated 10th October, 1975 in reference entitled S. O. Sethi versus M/s. Kirloskar Oil Engine, Faridabad pending in the Industrial Tribunal, I decide this issue against the management.

#### Issue No. 2—

In absence of any evidence for the workman on this issue of fact the same is decided against him.

#### Issue No. 3—

Whereas Shri G. K. Yagi deposed that the management closed their business in the end of 1971, the workman gave out that they did so in December, 1972. Shri Budh Ram workman however admitted that he came to know about the closure of the factory, in December, 1972, from one Shri Vidya Ram watchman. He admittedly did not examine Shri Vidya Ram and his own statement under the circumstances constitutes hearsay evidence not entitled to be acted upon. I thus relying on the direct testimony of Shri G. K. Yagi hold that the management closed their business in the end of 1971 and decide this issue accordingly.

*Issue No. 4—*

The pleas covered by this issue being not pressed by the management, the same is decided against them.

*Issue No. 5—*

Shri G. K. Yagi orally gave out that the workman absented himself after 19th December, 1971. He did not bring on record the register of attendance of the employees, in support of his oral evidence. He admitted that the management did not write any letter to the workman, asking for explanation of his absence. Under the circumstances am not prepared to rely on the oral statement of Shri G. K. Yagi that the workman absented himself from duty w. e. f. 20th December, 1971 and placing full reliance on the statement of the workman that the management terminated his services on 21st December, 1971, hold accordingly and decide this issue against the management.

*Issue No. 6—*

In view of my findings on issue No. 5, the termination of services of the workman by the management is obviously justified. I decide this issue against the management.

*Issue No 7—*

This issue being not pressed is decided against the management.

The result is that the workman is entitled for his reinstatement from 21st December, 1971 to the end of December, 1971 the date of closure of the factory and to the benefits of the closure of the business by the management at the end of December, 1971 under section 25 (FFF) of the Industrial Disputes Act, 1947. I thus answer the reference while returning the Award in these terms.

MOHAN LAL JAIN,

Dated the 17th December, 1976.

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 2856, dated the 20th December, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 12713-4Lab-76/485.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Hindustan Pottery Industries, Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Application No. 7 of 1976 under section 33-A of the Industrial Disputes Act, 1947

between

SARVSHRI ZAMINDAR AND RAJINDER, WORKMEN AND THE MANAGEMENT OF  
M/S HINDUSTAN POTTERY INDUSTRIES, BAHADURGARH

### AWARD

Neither the applicants nor their authorised representative is present before me today despite being directed to do so and pursue their complaint, even though Shri Harish Chand authorised representative of the management has put in his appearance on behalf of the later.

The absence of the applicants under these circumstances indicates their want of interest in pursuing the complaint. I, thus dismiss this complaint brought by the applicant under section 33-A of

the Industrial Disputes Act, 1947 for default of appearance of the applicants and non-prosecution of the same by them.

Dated the 6th December, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 2747, dated the 10th December, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

The 5th January, 1977

No. 19-4Lab-77/539.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the Management of M/s Paul Industries (India), Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 56 of 1971

between

SHRI RAM SHANKAR SHARMA AND THE MANAGEMENT OF M/S PAUL INDUSTRIES (INDIA), FARIDABAD

AWARD

By order No. ID/FD/243L/17898-902, dated 9th June, 1971, of the Governor of Haryana, the following dispute between the management of M/s Paul Industries (India), Faridabad and its workman Shri Ram Shankar Sharma, was referred to this court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ram Shankar Sharma was justified and in order? If not, to what relief is he entitled?

I The parties put in their appearance in this court in response to the usual notice of reference sent to them and filed their pleadings, giving rise to the following issues framed,—*vide* order, dated 27th December, 1971:—

1. Whether the reference is invalid?
2. Whether the termination of services of Shri Ram Shankar Sharma was justified and in order? If not, to what relief is he entitled?

Shri Sudhir Chadha authorised representative for the management and Shri A.R. Handa authorised representative for the workman concerned, made statements before me on 15th December, 1976 in terms of the mutual amicable settlement arrived at between the parties, and gave out, that the management shall pay a sum of Rs. 537.50 to the workman in full and final settlement of all his claim under the demand leading to the reference and that on payment of such amount by the former to the latter, he shall have no claim of any kind against the management under the demand referred to above.

I, accordingly hold in terms of the mutual settlement stated above and answer the reference while returning the award in these terms.

Dated the 23rd December, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 2903, dated 28th December, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

The 7th January, 1977

**No. 11409-4Lab-76/35401.**—In exercise of the powers conferred by the proviso to sub-rule (1) of rule 4 of the Workmen's Compensation (Occupational Diseases) (Punjab) Rules, 1964 and in supersession of Haryana Government Labour Department notification No. 1894-4Lab-76/7091, dated the 9th March, 1976, the Governor of Haryana hereby recognises the Pneumoconiosis Medical Board constituted by the Government of India, Ministry of Labour,—vide order No. IH/14273, dated the 9th September, 1976, with respect to workmen employed in mines, for the State of Haryana.

The 12th January, 1977

**No. 202-4Lab-76/618.**—In exercise of the powers conferred by sub-section (1) of section 20 of the Workmen's Compensation Act, 1923, and in supersession of Haryana Government Labour Department notification No. 1591-4Lab-73/74, dated the 14th March, 1973 and in partial modification of erstwhile Punjab Government notification No. 6195-I&L-40/35585, dated the 13th August, 1940 and No. 11661-4Lab-II-61/34334, dated the 27th October, 1961 and all other powers enabling him in this behalf, the Governor of Haryana hereby appoints the following persons to be Commissioners for Workmen's Compensation for the areas mentioned against each :—

Serial Number	Designation and address	Jurisdiction
1.	Deputy Labour Commissioner-II, Haryana, Chandigarh	Ballabgarh and Palwal Tehsils of Gurgaon District
2.	Labour Officer-cum-Conciliation Officer, Yamunanagar	Ambala District
3.	Labour Officer-cum-Conciliation Officer, Panipat	Karnal, Kurukshetra and Jind Districts
4.	Labour Officer-cum-Conciliation Officer, Sonapat	Rohtak and Sonapat Districts
5.	Labour Officer-cum-Conciliation Officer, Bhiwani	Hissar, Bhiwani and Sirsa Districts
6.	Labour Officer-cum-Conciliation Officer, Gurgaon	Mahendragarh District and Gurgaon District excluding Palwal and Ballabgarh Tehsils

Further in exercise of the powers conferred by sub-section (2) of the said section, the Governor of Haryana hereby orders that the aforesaid Commissioners for Workmen's Compensation shall hear and decide the cases of workmen under the said Act for the payment of compensation thereunder whose wages does not exceed three hundred rupees per mensem.

P. P. CAPRIHAN,  
Commissioner and Secy.

LABOUR AND EMPLOYMENT DEPARTMENT

The 13th December, 1976

**No. 9200-5Lab-76/35181.** In exercise of the powers conferred under section 88 of the E.S.I. Act, 1948, the Governor of Haryana is pleased to exempt the following Sales Representative of M/s. Mercury Pharmaceutical Industries, Baroda from the operation of the E.S.I. Act, 1948 (as amended).

Serial No.	Name of the employee	Place of posting/ of Sales/Medical Representatives	Period of Exemption
1	Shri R.P. Verma	Rohtak	1st January, 1976 to 31st December, 1976

The above exemption is subject to the following conditions mentioned below :—

1. The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees ;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefit under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates ;
- (3) The contributions for the exempted period, if already paid, shall not be refunded ;
- (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act ( hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance ( General) Regulations, 1950 ;
- (5) Any Inspector appointed by the Corporation under sub-section (1) of Section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—
  - (i) verifying the particulars contained in any return submitted under Sub-section (1) of Section 44 for the said period ; or
  - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance ( General) Regulations, 1950 for the said period ; or
  - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification ; or
  - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to—
    - (a) require the principal or immediate employer to furnish to him such information as he may consider necessary ; or
    - (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such documents, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary ; or
    - (c) examine the principal or immediate employer, his agent or servant or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee ; or
    - (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

P. P. CAPRIHAN,  
Commissioner & Secy

PUBLIC WORKS DEPARTMENT  
(BUILDINGS & ROADS)

The 21st December, 1976

No. 13320-PWIII(4)-76/44180.—The Governor of Haryana is pleased to delegate to the additional Chief Engineer (Buildings) and the additional Chief Engineer (Roads) in the P.W.D., B. & R. Branch, Haryana all the powers at present being exercised by the Chief Engineer, P. W. D., B. & R., Haryana in regard to financial and administrative matters, with immediate effect.